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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **TAMARA LYNN GOSTYNSKI**  
13 aka TAMARA LYNN PERRY  
14 aka TAMARA LYNN BROWN

15 11184 Datura Lane  
16 Apple Valley, CA 92308

17 Registered Nurse License No. RN 389769

18 Respondent.

Case No. 2010-566

19 **ACCUSATION**

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
24 of Consumer Affairs.

25 2. On or about August 31, 1985, the Board of Registered Nursing (Board) issued  
26 Registered Nurse License Number RN 389769 to Tamara Lynn Gostynski aka Tamara Lynn  
27 Perry aka Tamara Lynn Brown (Respondent). The Registered Nurse License was in full force  
28 and effect at all times relevant to the charges brought herein, and will expire on February 28,  
2011, unless renewed.

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1 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
2 thereof."

3 7. Section 2764 states:

4 "The lapsing or suspension of a license by operation of law or by order or decision of the  
5 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the  
6 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding  
7 against such license, or to render a decision suspending or revoking such license."

#### 8 REGULATORY PROVISIONS

9 8. California Code of Regulations, title 16, section 1444, states, in pertinent part:

10 "A conviction or act shall be considered to be substantially related to the qualifications,  
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
13 safety, or welfare."

#### 14 COST RECOVERY

15 9. Section 125.3 provides, in pertinent part, that the Board may request that the  
16 administrative law judge direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 (Conviction of a Substantially-Related Crime)

21 10. Respondent is subject to discipline under section 2761, subdivision (f), in conjunction  
22 with California Code of Regulations, title 16, section 1444, as a result of Respondent's conviction  
23 of a crime that is substantially related to the qualifications, functions, and duties of a licensed  
24 registered nurse. On or about June 27, 2008, after pleading nolo contendere, Respondent was  
25 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
26 [driving with a blood-alcohol content level greater than .08%] in the criminal proceeding entitled  
27 *The People of the State of California v. Tamara Lynn Perry* (Super. Ct. San Bernardino County,  
28 2008, No. TCH800431). Respondent was sentenced to two days in jail and placed on probation

1 for three years, in addition to being ordered to complete a first-offender's drug and alcohol  
2 education program. The underlying circumstances occurred on or about April 23, 2008, when  
3 Respondent was arrested by officers of the San Bernardino County Sheriff's Department after she  
4 drove into a fire hydrant and displayed objective signs of intoxication while speaking with the  
5 investigating officers.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 11. Respondent is subject to discipline under section 2761, subdivision (a), in conjunction  
9 with section 2762, subdivision (b), in that Respondent used alcohol in a manner that was  
10 dangerous to herself and others. Complainant refers to and incorporates all the allegations  
11 contained in paragraph 10, as though set forth fully.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Alcohol-Related Conviction)**

14 12. Respondent is subject to discipline under section 2761, subdivision (a), in conjunction  
15 with section 2762, subdivision (c), as a result of Respondent's alcohol-related conviction.  
16 Complainant refers to and incorporates all the allegations contained in paragraph 10, as though set  
17 forth fully.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Board issue a decision:

21 1. Revoking or suspending Registered Nurse License Number RN 389769, issued to  
22 Respondent;

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1           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to section 125.3; and

3           3.     Taking such other and further action as deemed necessary and proper.  
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6 DATED: \_\_\_\_\_  
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5/3/10

*Louise R. Bailey*  
\_\_\_\_\_  
LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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